

STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
JUNE 16, 2005

ITEM 12

**SUBJECT**

CONTINUATION OF PRIOR STATE WATER RESOURCES CONTROL BOARD  
CONSIDERATION OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE SAN FRANCISCO BAY REGION TO INCORPORATE A TOTAL MAXIMUM  
DAILY LOAD FOR MERCURY IN SAN FRANCISCO BAY

**DISCUSSION**

At the March 16, 2005 State Water Resources Control Board (State Water Board) Meeting, the State Water Board adopted [Resolution No. 2005-0026](#) regarding an amendment to the Water Quality Control Plan for the San Francisco Bay region to incorporate a total maximum daily load (TMDL) for mercury in San Francisco Bay. That resolution stipulates that the TMDLs for the control of mercury in the Sacramento-San Joaquin Rivers Delta (Delta), Guadalupe River, and the San Francisco Bay be integrated and that specified issues be addressed. It also requires staff to present progress reports every three months with the first report including a time schedule for completion of the project.

After discussions with staff of the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) and the staff of the Central Valley Regional Water Quality Control Board (Central Valley Water Board), three-time schedule options are presented for State Water Board consideration. Additionally, San Francisco Bay Water Board staff has prepared a memorandum (Attachment) responding to Resolution No. 2005-0026.

**Option 1:**

The central focus of this first option would be development and adoption by the State Water Board of a statewide fish tissue objective for mercury. Allowing time for completion and review of existing contract products regarding the scientific basis for a proposed fish tissue objective, stakeholder input, peer review, and public comment, staff anticipates bringing the objective to the State Water Board for adoption in January 2007. The Guadalupe River and San Francisco Bay mercury TMDLs could also be considered for approval at the same meeting as the statewide fish tissue objective would supercede the San Francisco Bay water quality objective. The failure of the San Francisco Bay TMDL to specifically address the water quality objective was the U.S. Environmental Protection Agency's (USEPA's) primary concern.

Under option 1, the Delta mercury TMDL could be adopted by the Central Valley Water Board in June 2006 and considered for approval by the State Water Board in October 2006. The Central Valley Water Board staff intends to adopt a site-specific mercury fish tissue objective at the same time as the mercury TMDL. Therefore, it could precede the statewide objective. Central Valley Water Board staff has stated that the Draft Delta TMDL will be designed to achieve the load allocation given to the Delta by the San Francisco Bay TMDL.

### Option 2

The second option requires an additional action by the San Francisco Bay Water Board. Under option 2, the first actions to occur would be San Francisco Bay Water Board adoption of a Basin Plan amendment vacating the 0.025 micrograms per liter water quality objective for mercury and establishing the proposed San Francisco Bay TMDL fish tissue target as a site-specific fish tissue objective. San Francisco Bay Water Board staff has stated that this Basin Plan amendment action could be completed by early 2006. The State Water Board could then consider approval of this action and the San Francisco Bay mercury TMDL in Spring 2006. This option also addresses USEPA's concerns. A limiting consideration is that a Spring 2006 approval would be before the Draft Guadalupe River TMDL is available for review.

### Option 3

Resolution No. 2005-0026 does not limit the State Water Board's actions. Therefore, the State Water Board could, at any time, resume consideration for approval of the San Francisco Bay mercury TMDL. The State Water Board could approve the TMDL at its June Board Meeting with instructions to the San Francisco Bay Water Board to vacate the water quality objective and establish a site-specific fish tissue objective by February 2006, and with instructions to State Water Board staff that the approved TMDL not be submitted to USEPA until the vacated water quality objective has been approved by the State Water Board and Office of Administrative Law.

## **POLICY ISSUE**

Does the State Water Board have direction for future staff action on this item?

## **FISCAL IMPACT**

California Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

## **REGIONAL WATER BOARD IMPACT**

Yes, San Francisco Bay Water Board and Central Valley Water Board.

## **STAFF RECOMMENDATION**

That the State Water Board direct staff to work with the San Francisco Bay Water Board staff to implement Option 2.